

# Exhibit 23



July 25, 2024

Bonita L. Robinson  
(212) 336-2554

**By Email**

Meredith Nelson, Esq.  
Selendy Gay PLLC  
1290 Avenue of the Americas  
New York, NY 10104

**Re: Apparent Deficiencies in SaveOnSP's Document Productions  
*Johnson & Johnson Health Care Systems Inc. v. Save On SP, LLC*,  
Case No. 2:22-cv-02632 (JKS) (CLW)**

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Dear Meredith:

We write in response to your July 19, 2024 letter and in furtherance of our June 28, 2024 letter regarding various deficiencies in SaveOnSP's productions. We will address the portion of your letter that concerns Ms. Zulqarnain's call recordings under separate cover.

First, as described in our June 28, 2024 letter, SaveOnSP employee [REDACTED]

[REDACTED] . See June 28, 2024 Ltr. from B. Robinson to M. Nelson at 1. [REDACTED]

[REDACTED] SOSP 2056631; SOSP 2056608. You refuse to produce the referenced email exchange between [REDACTED] on the ground that the exchange is not responsive to existing document requests and is irrelevant to any issues in this case. See July 19, 2024 Ltr. from M. Nelson to B. Robinson at 1. We are surprised by your position that communications in connection with SaveOnSP members' apparent violation of manufacturer terms and conditions—and SaveOnSP's attempts to prevent manufacturers from learning of such violations—are nonresponsive and irrelevant. Indeed, this position raises serious doubts regarding the responsiveness criteria that SaveOnSP has applied to JJHCS's requests to date. Please explain the basis for your assertion that an email about manufacturer terms and conditions is not relevant to this litigation about whether the SaveOnSP Program causes members to violate manufacturer terms and conditions.

Second, our June 28 letter requested that you add Leslie Kauffman as a custodian, given that even SaveOnSP's existing productions make plain that Ms. Kauffman played a central

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role in SaveOnSP's tracking of and efforts to evade manufacturer terms and conditions. *See* June 28, 2024 Ltr. from B. Robinson to M. Nelson at 2. We cited several documents from June 2022, but those documents were merely illustrative, not exhaustive. Indeed, only months after the start of her employment with SaveOnSP in 2017, [REDACTED], SOSP\_0169171, and [REDACTED], *see* SOSP\_1216240. Moreover, Ms. Kauffman's documents are relevant and highly significant to JJHCS's claims for other reasons: for example, in Ms. Kauffman's prior role as a patient support representative, [REDACTED]. *See, e.g.*, SOSP\_0052444, SOSP\_0671816, SOSP\_0839422.

Three weeks after we made our request—having received no response to our request, but numerous demands from SaveOnSP in the interim that JJHCS add new custodians—we wrote to you that we would agree to add Joseph Incelli as a custodian provided that SaveOnSP confirm it would add Ms. Kauffman. *See* July 18, 2024 E-mail from J. Long to M. Nussbaum. In response, you refuse to add Ms. Kauffman as a full custodian and suggest that we offer a “narrowed proposal” that is “similar[]” to SaveOnSP's proposal regarding Mr. Incelli. July 19, 2024 Ltr. from M. Nelson to B. Robinson at 2. As an initial matter, your proposal regarding Mr. Incelli was hardly narrow: You requested that JJHCS run a lengthy set of expansive search terms<sup>1</sup> over Mr. Incelli's custodial files “across the full Relevant Time Period” of more than seven years. June 28, 2024 Ltr. from E. Snow to J. Long at 4–6. In any event, Ms. Kauffman's manufacturer evasion efforts appear to have spanned much of her career at SaveOnSP, and while those efforts are particularly noteworthy (and SaveOnSP's failure to identify Ms. Kauffman as a custodian thus particularly troubling), Ms. Kauffman's custodial files are likely to contain other important and relevant documents from throughout her tenure at SaveOnSP. Accordingly, we decline to agree to the addition of Ms. Kauffman as only a limited custodian. Please confirm that you will add Ms. Kauffman as a full custodian.

Finally, thank you for your explanation regarding the [REDACTED]. Based on your representations, we will not pursue the requested [REDACTED] documents further at this time. Of course, we may revisit this request if it appears that relevant material regarding the [REDACTED] has not been captured by SaveOnSP's existing custodians and search terms.

We request a response by August 1, 2024, and remain available to meet and confer.

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<sup>1</sup> To be clear, our July 18, 2024 proposal did not accept SaveOnSP's proposed search terms, but was expressly “subject to agreement on appropriate search terms.” July 18, 2024 E-mail from J. Long to M. Nussbaum.

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Very truly yours,

/s/ Bonita Robinson

Bonita L. Robinson